



TOWN OF FREEPORT
30 Main Street
Freeport, ME 04032
(207) 865-4743 ext. 102

BOARD OF APPEALS – PROCEDURES FOR APPEALS

The Freeport Zoning Ordinance under Article VI, G.4a. states:

“When the owner of property or authorized agent is informed by the Codes Enforcement Officer that an Appeal is required, an application for the permit shall be filed with the Board of Appeals on forms provided for this purpose. The application shall be accompanied by a filing fee which shall be established by the Town Council, all information which is required for application for a building permit, and other information required by this section of the Ordinance. The applicant may submit any additional information relevant to the appeal.”

1. Variances

- a. Application and Fee is attached.
- b. Follow instructions exactly and return materials to the office 21 days prior to the scheduled meeting you wish to attend. Date information is on the attached application.
- c. A variance request, which does not allege an error in any order, decision, interpretation or ruling of the Codes Enforcement Officer (CEO), may be commenced at any time.

2. Administrative Appeals and Miscellaneous Appeals

- a. An administrative appeal shall be commenced within thirty (30) days of the order, decision, interpretation or ruling of the CEO being appealed. This means that an application (attached), filing fee and any supportive information must be received by this office within 30 calendar days of the date appearing on the order, interpretation or ruling of the CEO, with that date being day one (1). The appeal will then be scheduled for the next qualifying Board of Appeals meeting.

If you have any questions at all concerning these procedures, please contact the CEO immediately.

PLEASE READ CAREFULLY!!

PROCEDURES FOR A VARIANCE REQUEST, LIMITED SETBACK REDUCTION or
ADMINISTRATIVE APPEAL REQUEST TO THE BOARD OF APPEALS

If you wish a hearing before the Board of Appeals:

1. File application and any necessary information with Codes Enforcement Officer. The petitioner must submit:
 - a. One (1) copy of the following:
 - i. Present a copy of the Deed clearly showing Book and page number from the Cumberland County Registry of Deeds.
 - ii. Pictures should be furnished showing the front, side and rear views of the property. Only one (s) set of photographs is necessary.
 - b. Eight (8) copies of the following:
 - i. Completed application form.
 - ii. Elevation drawings of any proposed structures.
 - iii. Have a plot plan drawn to scale of your lot showing the existing uses, including the placement of all structures, well and sewage systems, natural features, and proposed changes. All setback measurements should be taken from property lines, which must be shown. (It is very important that you are very clear as to the changes you wish to make, if an appeal is to be granted).
 - c. Pay applicable application fee based upon current fee schedule.

Application Fee \$300.00
Public Hearing Notification: \$150.00
Abutter Fee: \$2.50 per abutter
2. You or your agent must represent you at this hearing, or the application will not be heard.
3. Bring a complete set of your Building Plans to the Board of Appeals meeting.

Any appeal request must be filed on or before the 21st day prior to the date of the meeting in order to be heard. The Board of Appeals meets the 1st Monday of each month to hear these appeals. Unless notified otherwise, the hearing will begin at 6:30 PM, and each case will be heard in the order in which it was filed.

**** NOTE: Any Variance approvals must be registered with the Registry of Deeds within (90) days**

BOARD OF APPEALS

APPLICATION FOR HEARING

Petitioner(s): _____

Mailing Address: _____

Telephone Number: _____

Subject Property Address / Location: _____

Zoning District:_____ Tax Map:_____ Lot No._____ Book:_____ Page: _____

Shoreland Zoning District:_____ Floodplain:_____

Petitioner requests: _____ Administrative Appeals, Section 601.G.2.a
_____ Undue Hardship Variance, Section 601.G.2.b.
_____ Setback variance for dwelling, one-family, Section 601.G.2.c.
_____ Miscellaneous Appeals, Section 601.G.2.d.

Petitioner's Acknowledgement and Signature

I certify that the above information is true and correct to the best of my knowledge. I acknowledge that I have read the Freeport Zoning Ordinance. I understand that no work may proceed without first obtaining a building permit and any other applicable permits, and that a violation of this provision will result in an additional fee equal to the permit fee or \$150, whichever is greater. I further understand that any deviation from the terms and conditions of the variance constitutes a violation of the Freeport Zoning Ordinance, subject to daily penalties. I further understand that if an approval is granted, I must cause it to be recorded with the Registry of Deeds within (90) days of the Board's meeting, and a proof of registration is to be filed with the Town of Freeport before a building permit is issued.

Petitioner(s) Signature

Date Submitted

Administrative Appeals:

- ☐ An error was made in the denial of a permit or use.
- ☐ The denial was based on a misrepresentation of the ordinance.
- ☐ Other – (please specify) _____

What standard(s) is required by the ordinance?

Petitioner has submitted all applicable information per Section 601.G.4.d.: Yes_____ No_____

Petitioner has submitted a statement describing the facts concerning your filing an appeal.:
Yes_____ No_____

Variance:

Specifically, what does the petitioner request the Board to grant (ie: distance of reduced setback)?

What standard(s) is required by the ordinance?

Petitioner submits detailed information per Section 601.G.4.: Yes _____ No _____

Petitioner submits proposed construction or architectural plans: Yes _____ No _____

A variance from the terms of this Ordinance only when strict application of this Ordinance to the applicant and the applicant's property would cause undue hardship. A variance may be granted only by majority vote of those Board members present and voting and may include such conditions and safeguards as are appropriate under this Ordinance. The words "undue hardship" as used in this subsection means:

If variance is requested, pursuant to Section 601.G.2.b., state how literal application of the requirements of the Zoning Ordinance would result in an "undue hardship" to the Petitioner:

1. Explain why the land in question cannot yield a reasonable return unless a variance is granted.

2. Explain why the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

3. Explain why the granting of a variance will not alter the essential character of the locality.

4. Explain why the hardship is not the result of action taken by the applicant or prior owner.

No variance from the seventy-five (75) foot setback from a stream in the Shoreland Zone shall be granted unless the Board of Appeals finds that the criteria under Section 602.F.1.I. are satisfied.

The applicant shall submit specific information to substantiate that the land in question cannot yield a reasonable return.

Except where specifically limited or prohibited, variances under this subsection may be authorized only for minimum setback, maximum building/lot ratio, parking requirements for housing for the elderly, minimum frontage, minimum area, fifteen percent (15%) expansion of non-conforming uses and buildings, and destroyed or demolished non-conforming buildings. Only the minimum variance which will alleviate the undue hardship shall be granted.

Setback Variance for Dwelling, One-Family:

Specifically, what does the petitioner request the Board to grant (ie, distance of reduced setback)?

What standard(s) is required by the ordinance?

Petitioner submits detailed information per Section 601.G.4.: Yes _____ No _____

Petitioner submits proposed construction or architectural plans: Yes _____ No _____

The dwelling, one-family is the primary year-round residence of the petitioner:

Yes _____ No _____

If the variance requested is more than twenty (20%) percent of the setback required by the Zoning District, the petitioner has submitted written consent of an affected abutting landowner:

Yes _____ No _____

If variance is requested, pursuant to Section 601.G.2.c., state how literal application of the requirements of the Zoning Ordinance would result in an “undue hardship” to the Petitioner:

1. Explain why the need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

2. Explain why the granting of the variance will not alter the essential character of the locality.

3. Explain why the hardship is not the result of action taken by the applicant or a prior owner.

4. Explain why the granting of the variance will not substantially reduce or impair the use of the abutting property.

5. Explain why the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

A variance under this subsection is strictly limited and may be permitted only from the setback requirements for a dwelling, one-family, that is the primary year-round residence of the applicant.

A variance under this subsection may not exceed twenty (20%) percent of a setback requirement and may not be granted if the variance would cause the combined area of the dwelling, one-family, and any other structures to exceed the maximum permissible lot coverage.

A variance under this subsection may exceed twenty (20%) percent of a setback requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, chapter 3, subchapter I, article 2-B of the Maine Revised Statutes, if the applicant has obtained the written consent of an affected abutting landowner.

Miscellaneous Appeals:

Specifically, what does the petitioner request the Board to grant (ie, distance of reduced setback)?

What standard(s) is required by the ordinance?

Petitioner submits detailed information per Section 601.G.4.: Yes_____ No_____

Petitioner submits proposed construction or architectural plans: Yes_____ No_____

d. Miscellaneous Appeals. To hear and decide the following miscellaneous appeals. Such appeals may be granted only by a majority vote of those Board members present and voting.

(1) Where uncertainty exists, to determine the precise location of any Zoning District Boundary line as specified in Section 303.3.
